

**HOUSE JUDICIARY COMMITTEE
REPRESENTATIVE LAWRENCE KLEMIN, CHAIRMAN
FEBRUARY 2, 2021**

**MOLLY GOEBEL, ATTORNEY,
NORTH DAKOTA DEPARTMENT OF CORRECTIONS & REHABILITATION
PRESENTING TESTIMONY RE: HOUSE BILL 1410**

Chairman Klemin and members of the House Judiciary Committee, for the record, I am Molly Goebel, Attorney with the North Dakota Department of Corrections and Rehabilitation (DOCR). I am here today to provide testimony in opposition to House Bill 1410. Also here today are Colby Braun, DOCR Director of Facility Operations, and Lance Anderson, DOCR Deputy Director of Facility Inspections.

Currently, residents' rights to religious freedoms are well-protected by federal law, as well as state and local policy, procedure, and practice in North Dakota. The Religious Land Use and Institutionalized Persons Act ("RLUIPA"), which is federal law, already prevents correctional facilities from placing a substantial burden on the religious exercise of residents unless the action is in furtherance of a compelling governmental interest and is the least restrictive means of furthering that compelling governmental interest. The law applies to all DOCR facilities and to North Dakota regional and county correctional facilities. It has an established body of case law that provides strong protections for residents' religious rights.

At the state level, DOCR has a strong policy, comprehensive set of procedures, and detailed supplemental guide it follows to protect residents' religious freedoms. There are interfaith chaplains at each facility who devote their time to providing extensive access to sacred literature; religious objects; holy days; dietary accommodations; and access to a wide range of religious practice opportunities. Residents can have clergy on their

visitation list, which includes the opportunity for video visitation and non-contact visitation. There are very few DOCR grievances related to religious rights; during 2020, neither the Missouri River Correctional Center nor the James River Correctional Center received grievances related to religious rights. The North Dakota State Penitentiary only received two grievances regarding religious rights, and both were resolved through the informal process that precedes the full grievance process. And, there have been no legal cases brought against the DOCR related to access to religion in almost three (3) years.

The DOCR also has strong confidence that county and regional correctional facilities in North Dakota are protecting and honoring residents' religious rights. The DOCR is legislatively mandated to create and monitor compliance with correctional facility standards for North Dakota county and regional correctional facilities. Currently, there are three standards that protect residents' religious rights—Standard 89, which requires each correctional facility to have a written policy and procedure for the practice of religion and the right to reasonable opportunities to exercise religious beliefs; Standard 69, which protects religious grooming requirements; and Standard 72, which protects the right to special diets for those residents whose religious beliefs require it. The DOCR conducts inspections of North Dakota county and regional correctional facilities and provides direct access to inmates to file complaints about violations of policy and infringements on their rights. The DOCR found no examples of violation of religious rights in inspections and received no complaints regarding religious rights in North Dakota county or regional correctional facilities in 2020.

House Bill 1410 is not needed. Chairman Klemin and members of the committee, I ask that you oppose House Bill 1410. I will now stand for questions.